



Trying to Turn Parliament into a Model Workplace: UK, Canada and New Zealand

Abstract The chapter describes the steps taken to reform parliamentary workplaces in the United Kingdom (UK), Canada and New Zealand. There is a particular emphasis on the history of reforms in the UK, as a first mover in the creation of independent oversight of the parliamentary workplace and a source drawn on by later reformers. The three cases demonstrate the difficulties involved in creating robust systems to tackle sexual and sexist misconduct in parliaments. Where regimes are strongly independent—as in the UK—parliamentarians may perceive them as unfair and as a challenge to parliamentary sovereignty. Where they are under the control of parliamentarians—as in Canada—they lack critical independence. In New Zealand’s case, a lack of commitment within the parliament has made constructing a standards regime difficult.

Keywords Sexual misconduct • Standards regimes • Parliamentary reforms • UK • Canada • New Zealand

As we saw in the last chapter, the arrival of #MeToo in October 2017 led to a spate of revelations about sexual harassment in Westminster parliaments and created the external shock needed to hasten reform. Evidence from the Westminster family tells us there are three core elements to reforming toxic parliaments. First, norms or rules must be established prohibiting sexual misconduct and bullying. These rules—in the form of

codes of conduct—set out what behaviour is expected and what behaviour is unacceptable. They are the necessary first step in reforming conduct. Second, enforcement architecture must be created: this establishes how people are held accountable, who is responsible for enforcing the rules and how disputes are resolved. Ideally this means an independent complaints system, an independent officer to conduct investigations and decide on sanctions, and parliamentary commitment to support these processes. Third, there must be proactive efforts to improve and prevent misconduct in parliaments: advisory resources to support these regimes and committed work towards culture change, ideally led by a body with responsibility for monitoring and driving reform.

While there are commonalities, interesting differences exist in the trajectories of reform among these Westminster parliaments as they seek to improve conduct and move towards being ‘model workplaces’.

THE UK: FROM SELF-REGULATION TO INDEPENDENT OVERSIGHT

The UK was the first to move from self-regulation to a code of conduct and independent oversight of members. This was prompted by the ‘cash for questions’ affair, in which it was alleged two Conservative MPs had been bribed to ask parliamentary questions and perform other tasks on behalf of the Egyptian owner of Harrods department store, Mohamed Al-Fayed. A Committee on Standards in Public Life was established in 1994 and the following year a Parliamentary Commissioner for Standards created as an independent officer of the House of Commons. A code of conduct was adopted by the House of Commons in 1996.¹ Initially the standards did not encompass sexual or sexist misconduct; however, as we have seen in earlier chapters, the acceptance of the need for independent oversight of conduct may have established a regulatory path dependence. It enabled the UK to respond relatively quickly to the wave of allegations of sexual misconduct that engulfed parliament in 2017. In 2018, a new behaviour code was created and an independent body to handle complaints about misconduct.

The institutional and regulatory structure in the UK is complex and evolving. It has often changed since its establishment in the 1990s. The *Behaviour Code* created in 2018 applies to all people who work in or visit parliamentary spaces. It warns that ‘Unacceptable behaviour will be dealt

with seriously, independently and with effective sanctions’ and outlines the following expectations of conduct:

- Respect and value everyone - bullying, harassment and sexual misconduct are not tolerated
- Recognise your power, influence or authority and don’t abuse them
- Think about how your behaviour affects others and strive to understand their perspective
- Act professionally towards others
- Ensure Parliament meets the highest ethical standards of integrity, courtesy and mutual respect
- Speak up about any unacceptable behaviour you see

MPs are also bound by a Code of Conduct that states ‘Members must treat their staff and all those visiting or working for or with Parliament with dignity, courtesy and respect’, while ministers are prohibited from ‘harassing, bullying or other inappropriate or discriminating behaviour’ under the Ministerial Code.

As shown in Table 5.1, the UK system of complaint handling is distinguished by the central role of independent external investigators. Complaints about bullying, harassment and sexual misconduct are investigated by the Independent Complaints and Grievances Scheme (ICGS), using external independent investigators. The procedure differs depending on whether the complaint involves parliamentarians or staff. Where a complaint is made against an MP’s member of staff, the MP as employer takes any disciplinary action if the complaint is upheld. Where the respondent is an MP, the ICGS investigation report goes to the Parliamentary Commissioner for Standards, an independent officer of the parliament, who makes findings and decisions on sanctions; they are able to require ‘rectification’ or ‘remedial actions’ if the complaint is upheld. Appeals about these findings or sanctions can be made to an Independent Expert Panel. The Parliamentary Commissioner for Standards investigates alleged breaches of MPs’ Code of Conduct, and makes findings and recommendations to the Committee on Standards, which makes decisions about the conduct of MPs. MPs are required by their Code of Conduct to cooperate at all stages with the Commissioner’s investigations. The Parliamentary Commissioner for Standards cannot investigate alleged breaches of the ministerial code.

In 2020, the House of Commons agreed to amend the ICGS process to ensure it was independent of any members of parliament. Previously, serious sanctions had been considered by the Committee on Standards.

Table 5.1 Standards reforms in three Westminster countries

	<i>UK House of Commons</i>	<i>Canada House of Commons</i>	<i>New Zealand House of Representatives</i>
Current codes of conduct for parliamentarians which reference sexual harassment and/or bullying	Behaviour Code (2018); Code of Conduct for MPs (2022); Ministerial Code (2022)	Code of Conduct for Members of the House of Commons: Sexual Harassment Between Members (2015); Members of the House of Commons Workplace Harassment and Violence Prevention Policy (2021); Respectful Workplace Policy—Office of the Prime Minister and Ministers’ offices (2020)	Behavioural Statements for the parliamentary workplace (2020)
Start of modern standards regime	2018	2014	2020, though still being created
Anti-bullying and sexual harassment training	Voluntary training for MPs and their staff; (mandatory for Members of the House of Lords)	Mandatory training within three months for new MPs and employees. Repeat training once every three years	Positive Workplace Culture program for staff and MPs; not all political parties are participating
Distinctive features	High independence from parliamentarians. An independent Parliamentary Commissioner for Standards, an independent complaints body (ICGS) and an Independent External Panel which reviews appeals. Lay members are significantly represented	Process for handling complaints is internal to parliament and not independent of MPs. A separate code and process for addressing MP–MP sexual harassment and a mandatory pledge by MPs not to sexually harass other MPs	Behavioural Statements, not in standing orders but agreement a condition for access to the parliament building and to staff resources. An independent Commissioner for Parliamentary Standards. No independent complaints body for allegations against staff. Sanctions regime not yet in place

(continued)

Table 5.1 (continued)

	<i>UK House of Commons</i>	<i>Canada House of Commons</i>	<i>New Zealand House of Representatives</i>
Challenges within the standards regime	Fragmented governance Challenges to legitimacy—tension between independence, fairness, parliamentary sovereignty No central HR body to professionalise the workplace and resolve matters quickly No single body leads and monitors reform	No independent grievance body or commissioner to investigate, make findings and decide sanctions Dominance by political parties of the standards regime, with little role for lay members No independent external review has provided a template for reform	Difficulty achieving consensus across parliament for standards reform or binding rules No central HR body; staff employed by two different departments in ‘triangular’ relationships with MPs Lack of appetite for greater investment in HR support

Dame Laura Cox in her 2018 review, discussed in the last chapter, insisted that to be credible the complaints process must be independent of parliamentarians. MPs were seen to side with their own and had voted to limit investigations.² In 2020 an Independent Expert Panel was established, to determine sanctions where the Parliamentary Commissioner for Standards had found misconduct had occurred but sanctions were beyond their powers, and to hear appeals by MPs against ICGS decisions and sanctions decisions. No MPs take part in the decisions of the panel; they are not involved in judging the conduct of a colleague. However, the House of Commons must approve a motion to impose serious sanctions on an MP.

A parliamentary committee, the Committee on Standards, oversees processes involving breaches of the MPs’ code of conduct and makes decisions. Its recommendations for sanctions are voted on by the House of Commons without debate or amendment. The Committee has equal numbers of parliamentarians and ‘lay’ members, and the lay members have an effective voting majority.³ The former Parliamentary Commissioner for Standards Kathryn Stone said the lay members ‘are hugely important because they provide a check and challenge to the political focus of the members of parliament on the ... committee’.⁴

The *Behaviour Code*, the *Sexual Misconduct* policy and the *Bullying and Harassment* policies apply to staff of MPs, and there is a separate code of conduct for staff who work for members of the House of Lords. The Lords Commissioner for Standards oversees and manages all complaints against Lords staff and applies sanctions.

In 2021 the House of Lords Conduct Committee withdrew access to dining facilities, the Library, and meeting rooms for three peers who failed to undertake the *Valuing Everyone* training by the deadline. This Parliament-wide training program is designed to ensure everyone working at Parliament can recognise bullying, harassment and sexual misconduct, and feels confident taking action to tackle and prevent it. The training is mandatory for Members of the House of Lords under their code of conduct but voluntary for members of the House of Commons. In August 2022, 92 per cent of MPs and 97 per cent of Members of the House of Lords had completed the training. However only 25 per cent of MPs' staff had undertaken the training, which is not mandatory for them.⁵

In its 2022 annual report, the ICGS revealed that 83 per cent of its cases related to bullying and harassment and 17 per cent involved sexual misconduct. Complaints relating to sexual misconduct had increased. Most complainants were MPs' staff and most of the respondents were MPs. Of the completed investigations, 48 per cent were upheld.

The ICGS has faced criticism for the slowness of its investigations. For example, Alison Stanley's 2021 review found a perception in the parliamentary community that 'it is a stressful, isolated and lengthy process'. Investigations took long to complete, causing prolonged periods of distress for all parties. This may be due to the complex organisational context of the UK parliament, with its different governance frameworks and mix of employers, employees and elected representatives. Stanley recommended ICGS simplify and shorten its processes to maintain confidence in the scheme and develop more informal ways of resolving issues.

In the UK, the complaints process and enforcement architecture is complex and has evolved to be increasingly independent of parliamentarians. This creates a number of challenges, particularly arising from the tension between independence from parliamentarians and fairness to parliamentarians. The Right Hon. Andrea Leadsom, who as Leader of the House of Commons introduced the complaints-handling system for bullying, harassment and sexual misconduct, said 'We want to be a role model for legislatures around the world in our determination to meet our own challenges head on'.⁶

Despite this aspiration to be a role model, the complexity of the system is problematic: in 2022 the Parliamentary Standards Commissioner Kathryn Stone advised the Australian parliament that in designing a new system ‘you probably wouldn’t start where we are’.⁷ She identified ‘13 different remits and bodies in the parliamentary standards system’.⁸ There are different regulatory frameworks and enforcement processes for Members of the House of Commons and Members of the House of Lords; and for the staff of MPs and of peers. For example, the Lords Commissioner for Standards oversees and manages complaints against Members of the House of Lords and applies sanctions.

Ministers are separately regulated, by a Code of Conduct overseen by the Prime Minister, who appoints an Independent Adviser to undertake investigations. In 2022 the Parliamentary Standards Commissioner expressed frustration that she received many complaints about the conduct of ministers who are outside her remit.⁹

In 2021, the UK’s standards architecture came under strong challenge when a Committee on Standards report about the conduct of Tory MP Owen Paterson recommended he be suspended from the House for 30 sitting days for breaching lobbying rules. This sanction would automatically trigger a recall petition in his electorate, putting his career as an MP at risk. Since 2015, voters can remove an MP between elections if 10 per cent of local electors sign a recall petition. One of the triggers for such a petition is if the MP is suspended from parliament for at least 10 sitting days.¹⁰

Paterson claimed the investigation ‘offend[ed] against the basic standard of procedural fairness ... and a fair process would exonerate me’.¹¹ The House declined to consider the Committee’s report, and the government moved to appoint a new committee to review the fairness of the standards system and whether MPs had ‘the same or similar rights to people who are under investigation for alleged misconduct in other workplaces’, including the right to legal representation, to examine witnesses and to appeal. This represented a serious challenge to the inquisitorial process and the legitimacy of the Parliamentary Standards Commissioner’s role in investigations and decision-making about sanctions. For the first time in its history the House of Commons voted down a recommendation of the Standards Committee. However, several political parties refused to participate in the new committee, so it did not proceed. Less than two weeks later, the House reversed its position and unanimously endorsed the Standards Committee report.¹²

The Parliamentary Commissioner for Standards at the time, Kathryn Stone, faced criticism and personal attacks over the Paterson case, which she saw as ‘hostile challenges to our authority and our decision making’. She felt she was treated as a ‘political football’ but reportedly declared ‘I am going nowhere’.

In December 2021 the Committee on Standards commissioned Sir Ernest Ryder to review fairness and natural justice in the standards system. The Ryder Review generally supported the current standards regime but recommended that the Parliamentary Standards Commissioner’s reports be treated as opinions rather than decisions. The Commissioner should not combine the roles of investigator and decision-maker. Ryder stated the authority to make decisions on conduct must lie with parliament’s Committee on Standards due to parliamentary sovereignty: ‘the governance of standards should be by Members of the House’.¹³ This shift has been described as an evolution in the process, and is evidence of both the continuing strength of the tradition of parliamentary privilege and ongoing tension between the values of independence and fairness to MPs.¹⁴ Since October 2022, MPs have been given the right to appeal decisions of the Committee on Standards to the Independent Expert Panel (Fig. 5.1).

Alongside these challenges to the structure of the standards regime, there have been ongoing problems of sexist conduct in the UK parliament. In April 2022, unnamed Tory MPs made a sexist slur against the deputy Opposition leader Angela Rayner, which was condemned as misogynist by Prime Minister Boris Johnson. It was an example of intersectional abuse: Rayner saw the comments as ‘steeped in classism as well’, targeting her as a woman with a working class background.¹⁵ In May 2022, it was reported that 15 MPs faced allegations of sexual misconduct, including accessing pornography in parliament, sexual harassment and sexual assault against staffers, other MPs and journalists.¹⁶ In December 2022, Leadsom (now a Dame), said the scheme was failing because the

Fig. 5.1 Former Parliamentary Commissioner for Standards Kathryn Stone OBE provided advice to the Australian parliament when developing its standards regime



original plan to set up a human resources (HR) service alongside the complaints scheme was never fully implemented, meaning it was overwhelmed by lower-level workplace grievances, deterring victims from pursuing more serious accusations. She said ‘some female colleagues were “pretty miserable” with the general state of political life, and in particular, the slowness to deal with problems’.¹⁷

A recent development points to further tensions between the need to ensure a safe workplace and the need for MPs to be able to carry out their democratic role. On 5 June 2023, the House of Commons Commission published proposals for excluding MPs charged with violent or sexual offences from the parliamentary estate and parliamentary-funded travel. This was driven by the concern raised by parliamentary staff and the Women and Equalities Committee that MPs who are under investigation for sexual misconduct, or in some cases sexual offences, are continuing to attend parliament. Debate continues about the proposal.¹⁸

There is a drive to reconsider and simplify the UK standards architecture. In July 2023 the Committee on Standards launched ‘an inquiry into the landscape of bodies and processes that have some role in regulating the conduct of MPs’. It notes that MPs are directly and indirectly regulated by 10 bodies and that ministers and former ministers are regulated by 4 bodies. Its terms of reference focus on whether the system is coherent and whether there are possibilities for ‘simplification or consolidation’ and ‘streamlining’. In a sign of the policy borrowing which is occurring between parliaments, the committee will consider ‘what can be learned from parallel processes in other parliaments/assemblies within the UK and elsewhere’.¹⁹ The former chair of the Committee on Standards Chris Bryant argues the many standards bodies should be amalgamated into a single independent national commissioner for ethics and standards, and that codes of conduct for the House of Commons and House of Lords, the Behaviour Code and the ministerial code should be brought together into a single parliamentary code. However others argue that consolidation could risk eroding the crucial role of independent bodies.²⁰

The UK case exemplifies the concern that despite establishing a regime of codes of conduct and complaints bodies, bullying and sexual misconduct remain prevalent within the parliamentary workplace. This suggests culture change has not occurred and underlying issues have not been adequately addressed. One such issue is the comparatively limited HR support provided to MPs and their staff in the UK. In a recent report, the All-Party Parliamentary Group on Women in Parliament argues that high-level oversight and guidance is needed from a new Advisory Group, which

would ‘spearhead reform into the future’, monitor culture change and be accountable for progress.²¹

CANADA: PIONEERING STANDARDS ARCHITECTURE

While Canada moved relatively early to establish a standards regime relating to sexual harassment (before the advent of #MeToo), its system lacks the independent external features of the UK. Its standards regime is internal to the parliament and largely under the control of parliamentarians. In contrast to the UK, New Zealand and Australia, conduct in the Canadian parliament has not been subject to a major external independent inquiry, and regulation has evolved through internal reforms.

The Canadian House of Commons was the first Westminster Parliament to introduce codes and processes for complaints of harassment, with a policy adopted in 2014 applying to the staff of MPs and to MPs as employers of staff. Then in 2015 it became the first to introduce a code of conduct dealing with sexual harassment between members of parliament. As we saw in Chap. 4, two female MPs had privately made allegations of sexual harassment and sexual assault by MPs of another party. This brought to light the lack of processes for dealing with such issues and led to the Standing Committee on Procedure and House Affairs recommending a code of conduct and complaints resolution process—agreed by the House by unanimous consent.

The *Code of Conduct for Members of the House of Commons: Sexual Harassment Between Members* was appended to the Standing Orders, stating ‘A member shall not sexually harass another member’. It applies only to allegations of non-criminal sexual harassment between Members of Parliament. Under the Code, every MP must sign the following pledge and return it to the Chief Human Resources Officer within 60 days after the notice of their election is published in the Canada Gazette, or within the first 30 sitting days of the ensuing Parliament:

As part of the House of Commons’ mission to create an environment in which all individuals can excel, I,, member of Parliament, commit to contribute to a work environment free of sexual harassment. I recognize that part of our mission is to create a workplace free of sexual harassment and that sexual harassment among members of Parliament is strictly prohibited. I further commit to following the *Code of Conduct for Members of the House of Commons: Sexual Harassment Between Members*, and to respect confidentiality in accordance with the principles set out in this code.²²

Unlike the UK, with its strongly independent standards process, the Canadian regime for resolving sexual harassment between MPs involves parliamentarians and political parties.²³ Allegations are made to the party whip (if the respondent is from the same party) or to the Chief Human Resources Officer of the parliament (if the allegations involve members of different parties or Independent members). If mediation fails at this point the complainant may file a formal complaint to the Chief Human Resources Officer (CHRO), who engages an external investigator. After their report, if the matter warrants further action the CHRO refers the matter to the respondent's party whip, who must propose a course of disciplinary action.

If the complainant or the respondent is not satisfied with the proposed disciplinary action the matter may be referred to the Standing Committee on Procedure and House Affairs (comprised of the four recognised political parties in the House). The complainant and the respondent have the opportunity to appear before the Committee in an in-camera meeting. The Committee then prepares a report to the House of Commons that may recommend sanctions and name the member being sanctioned. Within 10 sitting days after the presentation of the report, the member who is the subject of the report may make a statement in the House which must not exceed 20 minutes. The motion to accept the committee's report can be debated for up to three hours. This is very different from the UK system, where reports on misconduct and sanctions are voted on in the House without amendment or debate.²⁴

While this was the first code to address member-to-member sexual harassment amongst Westminster nations, Canadian political scientists Cheryl Collier and Tracey Raney argue its design is not 'gender friendly' and may even 'do more harm than good' in tackling sexual harassment amongst parliamentarians.²⁵ They say the key role played by party whips may lead to 'quick and quiet' resolutions and 'gentle' sanctions, as the whips have a strong interest in limiting damage to their political parties. There are no requirements to report on actions taken under the code, which means the extent of sexual harassment and remedies taken to tackle it remain secret. How effective the code is or how often it has been triggered is unknown.

Separate from codes about sexual harassment between members of parliament was the pioneering 2014 *Policy on Preventing and Addressing Harassment* already referred to, which applied to political staffers and MPs as employers of staff. It was criticised for requiring staffers to raise matters first with their employing MP, on whose good will their employment was dependent. In 2021, the House of Commons updated the 2014 policy

after amendments to the Canada Labour Code requiring prevention of sexual harassment in federal workplaces. The 2021 *Members of the House of Commons Workplace Harassment and Violence Prevention Policy* defines ‘harassment and violence’ as ‘any action, conduct or comment, including those of a sexual nature, that can reasonably be expected to cause offence, humiliation or other physical or psychological injury or illness to an employee’.²⁶ The policy outlines a process for handling allegations of harassment and violence, and complaints can now be filed with the CHRO. Harassment and violence prevention training is mandated: ‘All new Members and employees must receive training within three months after the day they start in their position. Further, Members and employees must receive this training again once every three years’.

Unlike the UK, New Zealand and Australia, the process of handling complaints is not independent of the workplace or the parliament, leading Raney and Collier to argue the regime ‘enables politicians to largely self-police sexual harassment in parliament’.²⁷ They point out the way in which informal norms and practices underpin party patronage and the power of party whips, to allocate rewards and punishments for those who depart from the party line. These extensive patronage powers provide opportunities to ‘dissuade’ complainants from filing a formal claim as well as to encourage MPs to handle issues quietly, in the interests of the party.²⁸

If the respondent is a staff member, the MP ‘may consider’ disciplinary action after receiving an investigation report. If the respondent is an MP, the report is handed to the Board of Internal Economy (comprised entirely of MPs) which determines if further action is required. The emphasis generally is on informal resolution of complaints. A Respectful Workplace Team within the House of Commons Administration offers mediation and intervention to Members of Parliament and their staff, in informally resolving complaints and disputes. Appeals are heard by panels of MPs and findings can be debated on the floor of the house. Sanctions are often determined by party whips.

Canadian ministerial staff face an even less independent and more problematic process in raising complaints about misconduct. On paper, the rules are clear: ministerial staff are subject to a Respectful Workplace Policy which states that ‘Harassment, violence and discrimination will not be tolerated, condoned or ignored’ and their ministers are required to ‘provide all employees with a harassment, violence and discrimination-free workplace’. Ministerial staff must sign the policy on starting their employment with the commitment: ‘I understand that compliance with this

policy constitutes a condition of my employment and that any violation of this policy will lead to corrective measures, which may include disciplinary measures up to and including dismissal.’

Yet the complaints process is entirely internal to the government and under the direction of the Prime Minister’s Office: complaints must be made to complaint resolution officers (nominated staff in each ministerial office), with the process overseen by Respectful Workplace Officers, who are staff in the Prime Minister’s Office.

While standards architecture has been in place for longest in Canada and includes sexual misconduct between MPs, it lacks the independent and external elements that characterise the UK system (see Table 5.1). There is no independent grievance body or commissioner to make findings and decide sanctions and few lay members are involved. Most of the processes are internal and under the control of parliamentarians and party whips. In her 2022–2023 annual report, the Chief Human Resources Officer stated 13 complaints of harassment and violence were received and 10 were resolved, without any formal investigation.²⁹ The data is not reported by gender. Whether informal resolution is an effective way to tackle such problems is not clear and no surveys tracking the experience of conduct in the parliamentary workplace have been published.

In further evidence of the complexity of the problem of workplace harassment faced by MPs staff, Meagan Cloutier reveals that Canadian staff experience significant levels of harassment by constituents. This was a far greater problem for women than men in her survey. MPs staff can also experience the harmful effects of managing and addressing the harassment MPs receive from constituents.³⁰ Abuse and harassment by constituents can be difficult to address within current standards frameworks. Notably, the majority of complaints to the Chief Human Resources Officer in 2022–2023 listed the respondent as a ‘third party’, rather than a colleague or an MP. This category included members of the public and staff working for another MP.³¹

Meanwhile, the 2019 Canadian Election Study found that there is strong support among voters for greater accountability of politicians accused of sexual harassment (the public to be made aware of accusation and the MP to be temporarily suspended during the investigation) and greater accountability for those found to have engaged in sexual harassment, including a requirement for a public apology and constituents being able to trigger a by-election.³²

NEW ZEALAND: THE STRUGGLE FOR CONSENSUS

Since 2019, the New Zealand parliament has worked to address toxic behaviour in its workplace but has struggled to reach consensus for reform at times, meaning progress has been slow.

Attempts to follow the UK in adopting a formal code of conduct dealing with conflicts of interest were long resisted by the major parties. A requirement to register pecuniary interests was finally introduced into the standing orders in 2005 but a code of conduct developed by four minor parties in 2007 was not broadly supported. New Zealand has a history of entrenched resistance to an enforceable code of conduct.³³

After a string of scandals involving misconduct by MPs in 2018, the New Zealand parliament commissioned an inquiry into bullying and harassment in parliament, led by HR consultant Debbie Francis. The 2019 Francis report (the *External Independent Review: Bullying and Harassment in the New Zealand Parliamentary Workplace*) revealed a culture of poor conduct, including bullying, sexual harassment and sexual assault, and that harmful behaviours were ‘systemic’. Francis said, ‘New Zealand’s Parliament, as a workplace, retains some elements of management and culture that have been erased from other modern workplaces for decades.’³⁴ She also noted it ‘exhibit[s] some of the commonly cited elements of workplace toxicity’.³⁵ One respondent to the review wrote ‘Bullying infests every aspect of Parliament and everyone knows it.’³⁶

Francis made 85 recommendations including: a parliamentary workplace code of conduct for MPs and all staff in parliamentary precincts; an independent Parliamentary Standards Commissioner to receive complaints about breaches of the code by MPs; and consolidated HR arrangements for staff. When the report was released Prime Minister Jacinta Ardern said, ‘it is an environment that absolutely needs to change’.

In 2019 a code of conduct steering group was tasked with developing a code of conduct. It was headed by the deputy speaker, with cross-party membership and representatives from the Parliamentary Service, press gallery and unions. A Parliamentary Culture Committee of five MPs now oversees the implementation of the Francis recommendations. Progress has been slow.

In 2020 the parliament established *Behavioural Statements for the parliamentary workplace* which state that all people working in parliament must:

- Show that bullying and harassment, including sexual harassment, are unacceptable
- Act respectfully and professionally

- Foster an environment where people feel safe and valued
- Encourage diverse perspectives, and the free and frank expression of views
- Behave fairly and genuinely, treating others the way we would like to be treated
- Use our position of power or influence to help others, and avoid harm

This did not initially receive full support across the parliament, and signing up to the statements was voluntary. The Behavioural Statements are not in the standing orders of parliament. However, they have become mandatory through two mechanisms. One is an agreement that MPs must sign to gain access to staff, known as the ‘Triangular Relationship Agreement’. Though they work in MPs’ offices, staff are employees of the Parliamentary Service. Since 2020, in order for staff to work in an MP’s office, the MP, the Parliamentary Service and the employee must all sign an agreement stating they will abide by the Behavioural Statements and meet health and safety obligations.³⁷ In addition, access cards for parliament buildings are now conditional on agreement to abide by the Behavioural Statements—a distinctive feature of the New Zealand standards regime, as shown in Table 5.1.

It took several more years of protracted, and at times tense, negotiations before an independent Commissioner for Parliamentary Standards was appointed; former Auditor General Lyn Provost began her term in January 2023. Her role is to receive, investigate and resolve complaints that MPs have breached the Behavioural Standards, and if upheld, to report to the House through the Speaker.³⁸ In conducting her inquiry, the Commissioner ‘must observe the principles of natural justice’. Former Speaker Trevor Mallard commented that: ‘It has taken a long time. I think that for some people that have been around here for a period of time, the idea of someone else effectively sitting in judgement is foreign and quite hard. ...I think people are uncomfortable.... Some still are.’

A sanctions regime, which would be triggered where findings of misconduct occur, has yet to be put in place. In November 2022 it was reported that the creation of a Sanctions Working Group to determine possible sanctions for findings of misconduct by MPs (Recommendation 81 of the Francis Report) had been deferred.³⁹ Progress on establishing the standards system remains slow. Rules and a complaints mechanism are incomplete without a sanctions regime.

The Commissioner for Parliamentary Standards has no remit to investigate complaints made against staff. Since May 2022 all staff working for

MPs and ministers, or for the parliamentary department, are bound by a *Respect for People in the Parliamentary Workplace Policy* which commits to maintaining ‘an environment in which all people are treated with *atawhaitanga* (kindness and courtesy) and *whakaute* (respect)’. It states:

We do not tolerate any inappropriate behaviour. This includes: any type of bullying; intimidating, aggressive, or threatening behaviour; verbal abuse; physical violence; harassment and sexual harassment; sexual misconduct; comments of a demeaning, racist, or sexist nature; ... whether they occur in person, online, or electronically. ...Concerns and complaints will be dealt with promptly, fairly, sensitively, and with respect.⁴⁰

In New Zealand, staff working for parliamentarians are employed by a parliamentary department (the Parliamentary Service) rather than directly by their MP and ministerial staff are employed by a public service department (the Department of Internal Affairs) though they work directly for ministers. Complaints about staff conduct and breaches of the Behavioural Statements are dealt with by these employing departments, rather than an independent complaints body.

In terms of culture change, the former Speaker said he had prevented some MPs from employing staff until they had completed anti-bullying training. In May 2022, the parliament posted a message on Pink Shirt day (a day promoting anti-bullying messages) where all party leaders and other parliamentary executives affirmed their commitment to creating a healthy workplace culture. However, in November 2022 it was reported that not all MPs were participating in the Positive Workplace Culture awareness program—only those from Labour, National and the Greens.⁴¹

In October 2022 the new Speaker, Adrian Rurawhe, announced that Debbie Francis would undertake another review and report on progress in changing the parliamentary workplace culture. The leader of the right-wing ACT (Association of Consumers and Taxpayers) party, David Seymour, did not support the review, saying: ‘The underlying assumption of it is that we can’t quite trust the people to elect their representatives, therefore, some other elected higher power must come in and review them and check up on how they’ve been reviewed’ (Fig. 5.2).⁴²

In June 2023 Francis reported that the cultural health of the parliamentary workplace had improved significantly since her first review in 2019. There was a safer and more respectful culture and parliamentarians were more vigilant about their own behaviour and that of their colleagues. But she argued some of the work done had addressed symptoms rather than



Fig. 5.2 In 2023 Debbie Francis reviewed progress made in changing New Zealand's parliamentary workplace culture

root causes, at times papering over 'a fundamentally antiquated and under-resourced operating model'. The systemic issues driving poor conduct and unsafe workplaces remained unresolved, such as extreme power differentials between staff and parliamentarians, and underdeveloped HR, management and leadership skills. While there were 'pockets of excellent practice' and 'sometimes-heroic efforts' Francis felt 'too many of the power imbalances and pain points of the old culture remain'. She urged transformative structural change to the way the parliamentary workplace operates, with new funding models, employment arrangements and significantly improved HR functions. However, she acknowledged this did not have the support of parliamentarians, who are unwilling to commit the increased funding needed.⁴³

The New Zealand case demonstrates the difficulties of putting in place rules and enforcement architecture without strong consensus across the parliament for such reform. Employment contracts and building access are being used to embed codes where there is resistance to introducing binding rules in parliament. The difficulty in establishing a Commissioner for Parliamentary Standards does not bode well for the ongoing development of a standards regime while the lack of strong HR support may limit future culture change in the parliamentary workplace.

There are different trajectories of reform in the UK, Canada and New Zealand, and the character of their standards regimes create distinct

challenges. Both the UK and New Zealand created new institutions to regulate the conduct of parliamentarians. They sit uncomfortably beside and largely distinct from the institution of parliament. There can be friction between these new formal institutions and longstanding formal and informal norms concerning parliamentary privileges and immunities, driving ongoing tensions about control and fairness. Achieving and maintaining consensus about the new institutions is proving difficult. It is yet another example of the issue of ‘the liability of newness’ and the particular vulnerability of gender equality reforms.⁴⁴ Creating a body with ‘ownership’ of the reform agenda, to drive culture change and be held accountable for its progress, may be one solution.

The Canadian standards regime lacks critical independence from parliamentarians and parties, potentially seriously weakening its effectiveness. It is nested within existing parliamentary institutions and hierarchies, again creating the problem of nested newness highlighted in feminist institutionalist theory.

As we shall see in Chap. 6, Australia drew on the experiences of other Westminster parliaments in creating its new standards architecture. At times it drew directly on wording used elsewhere and it took lessons from the challenges faced in the UK, Canada and New Zealand. However, it also took an innovative approach to HR, something from which other countries can learn. In addition, it featured a single authoritative cross-party body which has provided strong leadership of reform.

NOTES

1. Tony Newton MP (1996). Code of Conduct, 24 July. <https://hansard.parliament.uk/Commons/1996-07-24/debates/02cf4c73-9d33-467d-9205-a8ac9f5d44da/CommonsChamber>
2. Dame Laura Cox (2018). *The Bullying and Harassment of House of Commons Staff. Independent Inquiry Report*. <https://www.parliament.uk/globalassets/documents/conduct-in-parliament/dame-laura-cox-independent-inquiry-report.pdf>
3. House of Commons Committee on Standards (2023). *New Code of Conduct and Guide to the Rules*. First report of session 2022–2023. <https://www.parliament.uk/business/publications/commons/hoc-code-of-conduct/>
4. Joint Select Committee on Parliamentary Standards, Australian Parliament (2022). *Final report*, p. 30. https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Parliamentary_Standards/ParlStandards47th/Report

5. Independent Complaints and Grievance Scheme (2022). *4th Annual Report*, July 2021–June 2022, p. 17. <https://www.parliament.uk/business/news/2022/october-2022/independent-complaints-and-grievance-scheme-icgs-publishes-fourth-annual-report/>
6. Andrea Leadsom (2019). Reflections on Leader of the House. <https://www.andrealeadsom.com/news/20190528/reflections-leader-house>
7. Joint Select Committee on Parliamentary Standards, Australian Parliament (2022). *Final report*, p. 30.
8. Committee on Standards (2022). *Oral evidence: Work of the Parliamentary Commissioner for Standards*, HC 881, 15 November. <https://committees.parliament.uk/oralevidence/11552/pdf/>
9. Ibid.
10. *Recall of MPs Act 2015*.
11. <https://www.theguardian.com/politics/2021/oct/26/owen-paterson-faces-suspension-breaking-lobbying-rules>. His wife committed suicide while the investigation was underway, which he suggested played a role in her death.
12. Chris Bryant (2023). *Code of Conduct—Why we need to fix parliament and how to do it*. London: Bloomsbury, pp. 31–32.
13. House of Commons Committee on Standards (2022). *Review of Fairness and Natural Justice in the House’s Standards System*, Sixth Report of Session 2021–2022. <https://publications.parliament.uk/pa/cm5802/cmselect/cmstandards/1183/report.html>
14. House of Commons Library (2023). *Reviewing the Code of Conduct for MPs*, Research Briefing, 28 February. <https://commonslibrary.parliament.uk/research-briefings/cbp-9440/>
15. Andrew Woodcock (2022). Angela Rayner: ‘Basic Instinct’ slur was not only sexist but classist. *The Independent* 26 April. <https://www.independent.co.uk/news/uk/politics/angela-rayner-misogyny-sexism-labour-b2065564.html>
16. <https://www.theguardian.com/uk-news/2022/may/18/list-of-sexual-misconduct-allegations-made-against-mps>
17. <https://www.politico.eu/article/uk-parliament-misconduct-claims-julian-knight-conor-mcginns-mp-suspended-tory-labour/>
18. *Risk-based exclusion of MPs* (2023). Research Briefing, House of Commons Library 10 August. <https://commonslibrary.parliament.uk/research-briefings/cbp-9812/>
19. <https://committees.parliament.uk/committee/290/committee-on-standards/news/196548/committee-on-standards-launches-new-inquiry-into-the-standards-landscape/>
20. Chris Bryant (2023). *Code of Conduct*, p. 369. Written evidence from HM Government, Committee on Standards *House of Commons Standards Landscape*.

21. APPG on Women in Parliament (2023) *Open House: Where next for gender equality in parliament? Full Report*. <https://www.kcl.ac.uk/giwl/assets/open-house-where-next-for-gender-equality-in-parliament-full-report.pdf>
22. House of Commons (Canada) (2021). *Appendix 2 Standing Orders—House of Commons: Code of Conduct for Members of the House of Commons: Sexual Harassment*.
23. Responsibilities and Conduct of Members—The House of Commons and Its Members—House of Commons Procedure and Practice, 3rd edn (2017). https://www.ourcommons.ca/procedure/procedure-and-practice-3/ch_04_9-e.html#4-9-1
24. House of Commons Committee on Standards (2023). *New Code of Conduct and Guide to the Rules*. First report of session 2022–2023, p. 28.
25. Cheryl N. Collier and Tracey Raney (2018). Canada’s Member-to-Member Code of Conduct on Sexual Harassment in the House of Commons: Progress or Regress? *Canadian Journal of Political Science* 51(4): 795–815.
26. https://www.ourcommons.ca/Content/Boie/pdf/policy_preventing_harassment-e.pdf
27. Tracey Raney and Cheryl N. Collier (2022). Privilege and gendered violence in the Canadian and British Houses of Commons: A feminist institutionalist analysis. *Parliamentary Affairs* 75(2), p. 392.
28. Tracey Raney and Cheryl N. Collier (2023). Evaluating violence and sexual harassment rules in Canada’s House of Commons. In Elin Bjarnegård and Pär Zetterberg (eds) *Gender and Violence against Political Actors*. Philadelphia PA: Temple University Press, p. 236.
29. Annual Report on the Members of the House of Commons Workplace Harassment and Violence Prevention Policy 2022–2023. <https://www.ourcommons.ca/Content/Misc/2022-2023-PreventionReport-e.pdf>
30. Meagan Cloutier (2024). The Dark Side of Working in Politics: A Study of MP Staff in Canada. In Cheryl Collier and Tracey Raney (eds) *Gender-Based Violence in Canadian Politics in the #MeToo Era*. University of Toronto Press.
31. Annual Report on the Members of the House of Commons Workplace Harassment and Violence Prevention Policy 2022–2023. <https://www.ourcommons.ca/Content/Misc/2022-2023-PreventionReport-e.pdf>
32. Tracey Raney and R. Michael McGregor (2023). Beyond the Ballot Box: Sexual Harassment and Legislative Accountability in Canadian Politics. *Canadian Journal of Political Science* 56(2): 396–412.
33. Kerryn Baker (2021). Melodrama, fisticuffs and generally aberrant behaviour: Gender, norms of behaviour and workplace culture in the New Zealand Parliament. *Australasian Parliamentary Review* 36(2): 130–147.
34. Debbie Francis (2019). *Bullying and Harassment in the New Zealand Parliamentary Workplace*, External Independent Review, p. 8. <https://www.parliament.nz/media/5739/independent-external-review-into-bullying-and-harassment-in-the-new-zealand-parliamentary-workplace-final-report.pdf>

35. Ibid., p. 35.
36. Ibid., p. 38.
37. Speaker's Directions 2020 (Clause 36 (2)). The Triangular Relationship Agreement was formally introduced in 2020.
38. Protocol for the Commissioner for Parliamentary Standards (2022). <https://www.parliament.nz/media/9242/final-protocol-for-the-commissioner-for-parliamentary-standards.pdf>
39. <https://www.parliament.nz/en/footer/about-us/parliaments-workplace-culture/parliamentary-serviceoffice-of-the-clerk-work-programme/>
40. <https://www.parliament.nz/media/9139/respect-for-people-in-the-parliamentary-workplace.pdf>
41. <https://www.parliament.nz/en/footer/about-us/parliaments-workplace-culture/parliamentary-serviceoffice-of-the-clerk-work-programme/>
42. <https://www.stuff.co.nz/national/politics/300712161/parties-promise-cooperation-as-speaker-orders-review-of-parliaments-workplace-culture>
43. Debbie Francis (2023). *Culture in the New Zealand Parliamentary Workplace: A future excellence horizon*. <https://www.parliament.nz/en/footer/about-us/parliaments-workplace-culture/culture-in-the-new-zealand-parliamentary-workplace-a-future-excellence-horizon/>
44. Fiona Mackay (2014). Nested Newness, Institutional Innovation and the Gendered Limits of Change. *Politics & Gender* 10(4): 549–571.

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